

ORDINANCE NO. 2011-07-05-37

AN ORDINANCE AMENDING CHAPTER 11, ZONING, CODE OF ORDINANCES (1995 EDITION), CITY OF ELGIN, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 11, Section 2A.(3)(c) and (7)(a), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

SECTION 2: COMPREHENSIVE ZONING REGULATIONS

A. PREAMBLE

(3) Zoning District Map

(c) Additional Copy to be Placed with the Planning Director

An additional copy of the original zoning district map shall be placed in the office of the building inspector. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments.

(7) Newly Annexed Areas

(a) Classified as R-1

All territory hereafter annexed to the City of Elgin, shall be classified in the R-1 District until permanent zoning classifications are given the area by the city council of the City of Elgin.

II.

That Chapter 11, Section 2B., Definitions, Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

B. DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

- (1) Accessory building shall mean a subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to that of the dominate use of the building or premises.
- (2) Accessory use shall mean a use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located upon the same lot therewith.
- (3) Advertising sign or structure shall mean any cloth, card, paper, metal, glass, wooden, plastic, stone sign or other sign, device or structure of any character whatsoever, including a statuary, place for outdoor advertising purposed on the ground or on any tree, wall, bush, rock, post, fence, erecting, constructing, posting, painting, tacking, nailing, or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this section.
- (4) Alley shall mean a minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
- (5) Apartment house. See - (22) multiple family dwelling.
- (6) Automobile shall mean a self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, busses, motor scooters, and motor cycles.
- (7) Basement shall mean a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when one-half (1/2) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
- (8) Bed & Breakfast shall mean single-family dwelling in which the principal use is permanent residential quarters; and in which, as an accessory use, no more than

three (3) bedrooms are made available for transient occupancy, generally for not more than seven (7) days, by no more than five (5) guests for compensation.

- (9) Boarding house shall mean a dwelling other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly or monthly basis.
- (10) Brick shall mean and include fired clay or shale brick manufactured to ASTM C216 or C652 Grade WS, can include concrete brick if the coloration is integral, shall not be painted, and is manufactured to ASTM C1634: minimum thickness of two and one quarter (2 ¼) inches when applied as a veneer, and shall not include under fired clay or shale brick.
- (11) Building shall mean any structure intended for shelter, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate building.
- (12) Building height shall mean the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of the mansard roof or to the average height of the highest gable of a pitch or hip roof.
- (13) Building, main shall mean a building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated, and shall be located upon a street approved and accepted by the City.
- (14) Building, set back line shall mean the distance that a building must be placed back from a designated boundary, such as street, alley or property line (also called a building line).
- (15) Business shall be as defined in the International Building Code, 2006 Edition, or other Building Code as adopted by the City of Elgin and additionally shall be defined as the use of any building or structure, or any portion thereof, including residences, wherein any merchandise, including goods, wares or merchandise incidental to such purpose, is sold or displayed for the purpose of being sold on more than 8 (eight) days during any twelve month period.
- (16) Child care center shall mean any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, or care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or the churches or other religious or public institutions caring for children within the institutional building while their parents

or legal guardians are attending services or meetings or classes or other church activities.

- (17) Coverage shall mean the lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
- (18) District shall mean any section or sections of the city for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform for class or kind of buildings therein.
- (19) Dwelling shall mean any building or portion thereof, which is designed or used as living quarters for one (1) or more families, but not including trailer homes. (See trailer home) All dwellings shall comply with the requirement in (44) masonry construction.
- (20) Dwelling, single-family shall mean a detached dwelling designed to be occupied by one (1) family. (See 23 -family)
- (21) Dwelling, two-family shall mean a detached dwelling designed to be occupied by two (2) families living independently of each other.
- (22) Dwelling, multiple-family shall mean detached dwelling designed to be occupied by three (3) or more families living independently of each other, exclusive of hotels or motels.
- (23) Family shall mean any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship and occupying a dwelling unit.
- (24) Family Group Use shall mean one (1) or more persons related by blood, marriage, or adoption, or a group of not exceeding five (5) persons not all related by blood or marriage, occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.
- (25) Garage apartment shall mean a dwelling unit for one (1) family erected above a private garage or a multi-family dwelling unit, with not more than three (3) stories. The building has private outdoor space, either on grade, or a private balcony.
- (26) Garage, parking shall mean any building, or portion thereof, used for the storage of four (4) or more automobiles in which any servicing which may be provided is incidental to the primary use for storage purposes, and where repair facilities are not provided.
- (27) Garage, private, shall mean an accessory building or part of a main building used for storage purposes and for automobiles used solely by the occupants and their guests of the building to which it is accessory.

- (28) Garage, repair shall mean a building in which are provided facilities for the care, services, repair, or equipping of automobiles.
- (29) Gasoline service or filling station shall mean any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair or automatic washing or the sale of butane or propane fuels.
- (30) Home occupation shall mean any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided, that no trading in merchandise is carried on and in connection with which there is no display of merchandise or advertising sign other than one non-illuminated nameplate not more than two (2) square feet in area attached to the main or accessory building, and no mechanical equipment is used except such as is customary for purely domestic or household purposes. (A beauty or barber shop, tea room or restaurant, rest home, doctor's or dentist's office, child care center, or cabinet, metal or auto repair shop shall not be deemed a home occupation.)
- (31) Hotel shall mean a building or group of buildings (not apartments) contain six (6) or more sleeping rooms occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.
- (32) HUD-CODE manufactured home shall mean a structure constructed on or after June 15, 1976, according to the rule of the United States Department of Housing and Urban Development, transportable in one or more sections., which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or with out a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).
- (33) Industrialized housing shall mean a residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical system. The term does not include any residential structure that is in excess of three (3) stories or forty (49) feet in height as

measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

- (34) Industrialized building shall mean a commercial structure that is constructed in one or more modules using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical system. The term does not include any commercial structure that is in excess of three (3) stories or forty (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.
- (35) Kenel shall mean any lot or premises on which three (3) or more dogs, cats, or other domestic animals at least four (4) months of age, are housed or accepted for boarding, trimming, grooming, bathing and/or treatment for which compensation is received.
- (36) Key lot shall mean a lot having frontage on two (2) intersecting streets, such lot being adjacent to that intersection, and having adjacent lots on both streets fronting on those streets.
- (37) Lot shall mean any plot of land occupied or intended to be occupied by one (1) main building, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this section, and other laws or ordinances, and having its principal frontage on a street publicly approved and accepted by the City.
- (38) Lot, corner shall mean a lot which at least at two (2) adjacent sides abutting for their full lengths on a street, provided that the angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.
- (39) Lot, depth shall mean the horizontal distance between the front and rear lot lines.
- (40) Lot, double frontage shall mean a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- (41) Lot, interior shall mean a lot other than corner lot.
- (42) Lot, area shall mean total area measured on a horizontal plane, included within lot lines.
- (43) Lot, frontage shall mean that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

- (44) Masonry Construction shall mean the building of structures from individual units laid in and bound together with mortar, the term masonry may refer to the units themselves. The common materials used in masonry are brick, stone, stucco and plaster, marble, granite, travertine, limestone, concrete block, glass block, tile and other built up /tilt panels or walls. Concrete tilt wall construction. (Stucco and plaster shall only be considered a masonry material when applied using a 3-step method over diamond metal lath mesh to a 7/8th inch thickness or by other processes producing comparable cement stucco finish with equal or greater strength and durability specifications. Synthetic products e.g., EIFS-exterior insulation and finish systems, hardi plank, or other materials of similar characteristics shall not be considered a masonry material.)
- (45) Lot, lines shall mean the property lines bounding a lot.
- (46) Medical Facilities
- (a) Convalescent, rest, or nursing home shall mean a health facility where persons are housed and furnished meals and continuing nursing care for compensation.
 - (b) Dental clinic or medical clinic shall mean a facility for the examination and treatment of ill and afflicted human out-patients provided they are not kept overnight except under emergency conditions.
 - (c) Dental office or doctor's office shall mean the same as dental or medical clinic.
 - (d) Hospital shall mean an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
 - (e) Public health center shall mean a facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therein.
 - (f) Sanatorium shall mean an institution providing health facilities for in-patient medical treatment and recuperation making use of natural therapeutic agents.
- (47) Parking space shall mean a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress of an automobile.

- (48) Planned development district shall mean planned associations of uses developed as integral land units such as industrial parks or industrial, offices, commercial or service centers, shopping center, residential development of multiple or mixed housing including attached single-family dwelling or any appropriate combination of uses which may be planned, developed, or integral land use units either by a single owner or a combination of owners.
- (49) Property line shall describe the legal boundary of a parcel of land that divides one parcel from another or from a street or any other public or private space (same as “lot line”)
- (50) Recreational vehicle shall mean a vehicle primarily designed as temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home, or a boat, trailer, jet ski, or similar equipment.
- (51) Restaurant shall mean a building or premises, the primary use of which is the preparation and serving of food for on-premises consumption. The incidental sale of beer at such location for on-premises consumption shall be considered an accessory use of said building and premises.
- (52) Roof pitch /slope shall mean the number of units vertical in twelve (12) units horizontal, example seven (7) units vertical in twelve (12) units, horizontal = 7:12 pitch or slope.
- (53) Rooming house shall mean a building where lodging only is provided for compensation to three (3) or more, but not exceeding twenty (20) persons. A building which has accommodation for more than twenty (20) persons shall be defined as a hotel under the terms of this section.
- (54) Self-Service laundry or dry cleaning establishment shall mean attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from or dry cleaning wearing apparel, cloth, fabrics, and textiles of any kind by means of a mechanical appliance which is operated primarily by the customer.
- (55) Stable, private shall mean a stable with a capacity for not more than two (2) horses or mules.
- (56) Stable, public shall mean a stable, other than a private stable, with a capacity for more than two (2) horses or mules.
- (57) Store selling beer shall mean a building or premises, the primary use which is the selling of beer for on-premises consumption. The incidental preparation and serving of food at location for on-premises consumption shall be considered an accessory use of said building or premises.

- (58) Story shall mean that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- (59) Story, half shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished of for use. A half story containing independent apartment or living quarters shall be counted as a full story.
- (60) Street shall mean any public or private thoroughfare which affords the principal means of access to abutting property.
- (61) Street, intersecting shall mean any street which joins another at an angle, whether or not it crosses the other.
- (62) Structure shall mean anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground.
- (63) Structural alterations shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
- (64) Tourist court shall mean an area containing one (1) or more buildings designed or intended to be used as temporary sleeping facilities of one (1) or more transient families and intended primarily for automobile transients.
- (65) Tourist home shall mean a dwelling occupied as a permanent residence by an owner or renter in which sleeping accommodations in not than four (4) rooms are provided or offered for transient guests for compensation.
- (66) Trailer court or mobile home park shall mean a parcel of land which has been designed or improved or intended to be used or rented for occupancy by one (1) or more trailer houses or mobile homes.
- (67) Trailer or mobile home space shall mean a plot of ground within a trailer court designed for the accommodation of one (1) mobile home.
- (68) Trailer home or mobile home shall mean a portable or mobile living unit used or designed for human occupancy on a permanent basis, is defined as a structure that was constructed before June 15, 1976, transportable in one or more sections; which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected

to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

- (69) Trailer, travel or camping shall mean a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and containing less than one hundred seventy-five (175) square feet of floor area.
- (70) Trailer, hauling shall mean a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats/watercraft, and barbeque pits.
- (71) Veterinary hospital shall mean an establishment offering veterinary services and clinics for pets, small and /or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three (3) or more sides having walls or a solid fence extending from the foundation to at least three fourths (3/4) of the distance to the roof line and at all times shall comply with the city's animal control ordinance.
- (72) Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this section that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
- (73) Yard, front shall mean a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
- (74) Yard, rear shall mean a yard extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from front yard.
- (75) Yard, side shall mean a yard between the building and the side of the lot and extending from the front lot to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the main building.

III.

That Chapter 11, Section 2C.(1)(a), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(1) Number of Districts

For the purpose of this section the following districts are hereby established for the city:

(a) Residential Districts:

- R-1 Single-Family
- R-2 Single-Family and Garage Apartment
- R-3 Single-Family Two-Family and Industrialized Housing
- A-Multiple-Family

IV.

That Chapter 11, Section 2C.(2)(b) and (d), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(2) R-1 Single-Family Dwelling Districts

(b) Uses Permitted

Property and buildings in an R-1 single-family dwelling district shall be used only for the following purposes:

- Detached single -family dwelling
- Churches, but not including revival tents or arbors
- Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping
- Public Park and playground
- Library
- Growing of farm products
- Municipal use
- Telephone exchanges
- Home occupation
- Transportation and utility easement, alleys, and right-of-way

Accessory building which are not a part of a main building, including one (1) private garage, or accessory building which are a part of a main building, including one (1) private garage.

Uses customarily incidental to any of the above uses when located upon the same lot and not involving the conduct of a business.

Fence - A fence, hedge, or enclosure wall provided: (1) no solid fence or enclosure shall exceed a height of six (6) feet, and no such six (6) foot fence or enclosure shall extend closer to any front street than forty (40) feet; (2) an ornamental fence may exceed six (6) feet in height but shall have a ratio of solid portion to open portion not in excess of one (1) to four (4) and shall not extend closer to any front street than forty (40) feet; (3) any fence or enclosure extending closer than forty (40) feet to the front property line shall not exceed a height of four (4) feet; and (4) any fence, hedge, or enclosure wall on a corner lot, and situated within fifteen (15) feet of the intersections of the two (2) property lines, shall not exceed a height of three (3) feet. All wooden privacy fences shall have metal posts of sufficient gage and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden privacy fence posts will not be allowed for construction after July 31, 2011.

A temporary bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire, or sales of a single building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

A church bulletin board or sign not exceeding fifty (50) square feet in area, located on the same lot with the church building.

One (1) unlighted sign not to exceed one (1) square foot in area and attached flat-wise to the building, such sign to advertise only an accessory use allowed by this section and being conducted on the same property upon which such sign is located.

Temporary building of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.

Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, baby sitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one (1) person, not a member of the resident family; but not including beauty culture, barbering or appliance repairing.

(d) Area Regulations

Front Yard

The minimum depth of the front yard shall be twenty-five (25) feet.

If twenty-five (25) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, then no building shall be erected closer to the building line than minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than forty (40) feet.

When a yard has double frontage, the front yard requirements shall be complied with on both streets.

Side Yard

For dwelling located on interior lots there shall be a side yard on each side of the main building of not less than seven and one-half (7-1/2) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings or more than one (1) story except as hereinafter provided in subsection D(2).

For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one (1) story buildings of accessory use shall not be required to setback more than three (3) feet from an interior side line when all parts of the accessory building are located more than ninety (90) feet behind the front lot lines.

For dwelling and accessory buildings located on corner lots there shall be a side yard from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

Churches and main accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

Rear Yard

There shall be a rear yard for a main building of not less than ten (10) feet. Unattached buildings of accessory use are located in the rear yard of a main building.

Lot Width

For dwellings there shall be a minimum lot width of seventy-five (75) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

Intensity of Use

For each dwelling, and building accessory thereto, there shall be lot area of not less than nine thousand (9,000) square feet.

For churches and main and accessory buildings, other than dwellings and accessory to buildings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas required; provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

Coverage

Main and accessory buildings and other impervious cover shall not cover more than forty-five (45%) percent of lot area on interior lots, and fifty (50%) percent of the lot area on corner lots. Accessory buildings shall not cover more than ten (10%) percent of the impervious cover requirements.

Masonry

Exterior walls shall be constructed with at least eighty (80%) percent masonry, and no single wall may have less than seventy-five (75%) percent masonry.

V.

That Chapter 11, Section 2C.(3)(a), (b), (d), and (e), Code of Ordinances (1995 Edition),

City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(3) R-2 Single-Family

(a) General Description

This residential district is slightly less restrictive than the R-1 district. The principal use of land is for single-family and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from the encroachment of uses which are not appropriate to residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and

open space for dwellings and related facilities and through consideration of, the proper functional relationship of the different uses.

(b) Uses Permitted

Any use permitted in an R-1 residential district.

Garage apartments.

(d) Area Regulations

Front Yard

The minimum depth of the front yard shall be twenty-five (25) feet.

If twenty-five (25) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more six (6) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

When a yard has double frontage the front yard requirements shall be complied with on both streets.

Side Yard

For dwellings located on interior lots there shall be a side yard on each of the main building of not less than five (5) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings of more than one (1) story, except as hereafter as provided in subsection D(2).

For unattached buildings of accessory use there shall be a side yard of not less five (5) feet; provided, however, that unattached one (1) story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the lot lines.

For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back with another corner lot, and twenty-five (25) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

Churches, main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than twenty-five (25) feet.

Rear Yard

There shall be a rear yard for a main building of not less than ten (10) feet. Unattached buildings of accessory use may be located in the rear yard of a main building.

Lot Width

For dwellings there shall be a minimum lot width of sixty (60) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

Intensity of Use

For each dwelling, and building accessory thereto, there shall be a lot area of not less than seven thousand, five hundred (7,500) square feet.

For churches and main and accessory buildings, other than dwelling and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this subsection and the off-street parking areas that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet.

Coverage

Main and accessory buildings shall not cover more than forty-five (45%) percent of the lot area on interior lots, and fifty (50%) percent of the area on corner lots. Accessory buildings shall not cover more than ten (10%) percent of the impervious cover requirements.

Masonry

Exterior walls shall be constructed with at least eighty (80%) percent masonry, and no single wall may have less than seventy-five (75%) percent masonry.

VI.

That Chapter 11, Section 2C.(4)(b), (d), and (e), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(4) R-3 Single-Family Dwelling District,

(b) Uses Permitted

Any use permitted in an R-2 residential district. Two-family dwelling
Zero lot line two-family dwelling
Industrialized housing
Manufactured Home Park

(d) Area Regulations

Front Yard

The minimum depth of the front yard shall be fifteen (15) feet.

If twenty-five (25) percent or more of the lots on one (1) side of the street between two (2) intersecting streets are improved with buildings, all of which have observed an average setback line of greater than fifteen (15) feet, and no building varies more than six (6) feet from this average setback line, then no building shall be erected closer to the street line, than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than twenty-five (25) feet.

When a yard has double frontage the front yard requirements shall be complied with on both streets.

Side Yard

For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than five (5) feet for dwellings of one (1) story, and not less than seven and one-half (7 ½) feet for dwellings of more than one (1) story, except as hereinafter provided in subsection D(2).

For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one (1) story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than fifty (50) feet behind the front line.

For dwelling and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less ten (10) feet in case such lot is back to back with another lot, and fifteen (15) feet in every other case. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

Churches and main and accessory buildings, other than dwellings, and buildings accessory to dwellings, shall set back from all exterior and interior side lines a distance of not less than fifteen (15) feet.

Rear Yard

There shall be a rear yard for a main building of not less than ten (10) feet. Unattached buildings of accessory use may be located in the rear yard of a main building.

Lot Width

For dwellings there shall be a minimum lot width of fifty (50) feet at the building line, and such lot shall abut on a street for a distance of not less than twenty-five (25) feet.

Intensity of Use

For each dwelling, and building accessory thereto, there shall be lot area of not less than six thousand (6,000) square feet.

For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required in this subsection; provided, however, that the lot area for a church shall not be less than ten thousand (10,000) square feet.

(Ordinance No. 97-12-02-31 of December 2, 1997 as amended by Ordinance No. 2001-09-11-21 of September 11, 2001)

Coverage

Main and accessory buildings shall not cover more than forty-five (45%) percent of the lot area on interior lots, and fifty (50%) percent of the area on corner lots. Accessory buildings shall not cover more than ten (10%) percent of the impervious cover requirements.

Masonry

Exterior walls shall be constructed with at least eighty (80%) percent masonry, and no single wall may have less than seventy-five (75%) percent masonry.

Permanent (6) foot fences shall be erected along all property lines which abut another residential lot. All wooden fences shall have metal post of sufficient gage and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden fence post will not be allowed after July 31, 2011.

(e) Zero Lot Line Two- Family Dwellings

A two-family dwelling—may be subdivided through the common wall for the sole purpose of creating a separate fee simple title for each dwelling unit provided that the parcel containing each dwelling unit shall not be less than three thousand (3,000) square feet and provided each parcel had access to a public street and meets all applicable ordinances.

The following items are established as minimum criteria for development within this District:

Front yards shall have a minimum of sixty (60) percent landscaped area.

Front yards and side street yards shall be sodded and landscaped prior to an issuance of a certificate of occupancy.

Permanent six (6) foot privacy fences shall be erected along all property lines which abut a single family residential lot line prior to the acceptance of subdivision improvements by the City. All wooden privacy fences shall have metal posts of sufficient gage and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden privacy fence posts will not be allowed for construction after July 31, 2011.

Coverage

Main and accessory buildings shall not cover more than forty-five (45%) percent of the lot area on interior lots, and fifty (50%) percent of the area on corner lots. Accessory buildings shall not cover more than ten (10%) percent of the impervious cover requirements.

Masonry

Exterior walls shall be constructed with at least eighty (80%) percent masonry, and no single wall may have less than seventy-five (75%) percent masonry.

VII.

That Chapter 11, Section 2C.(5)(b), (c) and (d), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(5) A - Multiple-Family Residential District

(b) Uses Permitted

Any use permitted in the R-3 residential district, except individual owned mobile homes, located on owner occupied lots.

Multiple-family dwellings and garden apartments.

Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(c) Area Regulations

All buildings shall be set back from street right-of-way lines or lot lines to comply with following yard requirements:

Front Yard

There shall be a front yard having a minimum depth of not less than twenty-five (25) feet.

Where lots have double frontage running through from one (1) street to another, the required front yard shall be provided on both streets.

Side Yard

For multiple-family dwellings the side yard shall be ten (10) feet where no windows or other openings for light face the side yard. In all other cases the minimum depth shall be not less than twelve (12) feet plus one (1) foot for each fifteen (15) feet in length (L).

$$D = 12 + L/15$$

In all cases, where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet. Where the corner lot is a key lot, the required front yard shall be provided in both streets.

Rear Yard

For multiple-family dwellings, same as side yard except where property backs up to residentially zoned property the rear yard must have a depth of fifty (50) feet including parking areas. In addition, a brick, stone or acceptable masonry or other cementitious material wall not less than six (6) feet high must be provided along rear property line.

Distances

The distance between buildings within an apartment development shall in no case be less than sum of the required minimum depth of the yard requirements above.

One windowless wall - where window wall faces a windowless wall, the required distance between the two (2) buildings shall be computed as if both walls contained windows.

Lot Coverage

A lot on which there is erected or converted a multiple-family dwelling shall contain a total lot area according to the following schedule:

Each efficiency unit	1,000 sq. ft.
Each one-bedroom unit	1,400 sq. ft.
Each two-bedroom unit	2,300 sq. ft.
More than two-bedroom unit	2,300 sq. ft. plus 200 sq. ft. for each bedroom over two.

Any room other than a living room, bathroom, dining room and kitchen shall be counted as a bedroom.

Livability open space - no less than thirty (30) percent of the total gross land area used for people, planting, and visual appeal.

(d) Height Regulations

No buildings shall exceed fifty (50) feet in height.

VIII.

That Chapter 11, Section 2C.(5), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsections (e) and (f) which shall read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(5) A - Multiple-Family Residential District

(e) Parking Requirements

A minimum of two (2) spaces per unit is required with one (1) space being an enclosed garage.

(f) Masonry

Exterior walls shall be constructed with at least eighty (80%) percent masonry, and no single wall may have less than seventy-five (75%) percent masonry.

IX.

That Chapter 11, Section 2C.(6)(b) and (d), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(6) C-1 Neighborhood Shopping District

(b) Any Use

Property and building in a C-1 Neighborhood Shopping District shall be used only for the following purposes:

Retail stores and shops which do not exceed five thousand (5,000) square feet of gross floor area and which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, as follows:

Antique Shop
Appliance Shop
Arts School, Gallery or Museum
Artists Materials, Supply Studio
Automobile Parking Lot
Baby Shop
Bakery Goods Store
Bank
Barber Shop
Beauty Shop
Book or Stationery Store
Camera Shop
Candy Store
Catering Establishment
Cleaning, Pressing, Laundry Collection Agency
Curio or Gift Shop
Drug Store or Fountain
Dry Goods Store
Dairy Products or Ice Cream Store
Delicatessen
Dress Shop

Florist Shop, Greenhouse, Nursery
Furniture Store
Grocery Store or Supermarket
Hardware Store
Jewelry or Notion Store
Lodge Hall
Meat Market
Medical Facility
Messenger or Telegraph Service
Musical Instrument Sales
Newspaper or Magazine Sales
Office Business
Optometrists Sales and Service
Photographer Studio
Pharmacy
Radio and Television Sales and Service
Restaurant
Self-Service Laundry or Dry Cleaning
Sewing Machine Sales, Instruction
Sporting Goods Sales
Shoe Repair Shop
Tailor Shop
Toy Store
Variety Store

Nameplate and sign relating to the use of the store and premises or to products sold on the premises, not to exceed forty (40) percent of the face of the building and conform to the City's sign ordinance.

Accessory buildings and uses customarily incidental to the above uses.

A building used for any of the previously listed uses may not have more than forty (40) percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses previously listed shall be displayed or stored outside of a building.

(d) Height Requirements

No building shall exceed fifty (50) feet in height.

X.

That Chapter 11, Section 2C.(6), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsection (e) which shall read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

- (6) C-1 Neighborhood Shopping District
- (e) Masonry Requirements

All buildings shall have all exterior walls constructed using a masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass construction materials, or sidewalk and walk-way covers.

XI.

That Chapter 11, Section 2C.(7), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsections (d) and (e) which shall read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

- (7) C-2 General Commercial District

- (d) Height Regulations

No building shall exceed fifty (50) feet in height.

- (e) Masonry Requirements

All buildings shall have all exterior walls constructed using a masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass construction materials, or sidewalk and walk-way covers.

XII.

That Chapter 11, Section 2C.(8), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

- (8) C-3 Highway Commercial District

- (a) General Description

This commercial district is intended for the conduct of personal business services and the general retail businesses of the community having space

and land requirements not commonly available or compatible in central business districts.

(b) Uses Permitted

Property and buildings in a C-3 highway commercial district shall be used only for the following purposes:

Any use permitted in a C-2 general commercial district
Boat Sales and Service
Farm Implement and Machinery, New and Used, Sales
Metal and Wood Fencing, Ornamental Grillwork and
Decorative Wrought Iron Work and Play Equipment Sales
Mobile Home and Travel Trailer Sales
Monument Sales
New and Used Automobile Sales and Service
Prefabricated House Sales
Trailers for Hauling, Rental and Sales
Motels or Tourist Courts
Drive-In Theater or Restaurant
Billboards

(c) Area Regulations

The area regulations for dwellings -shall be the same as the requirements of the A - multiple-family residential district. The following requirements shall apply to all other uses permitted in this district:

Front Yard

All buildings shall be setback from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

Side Yard

On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. There shall be a side yard setback from an intersecting street of not less than twenty-five (25) feet.

Rear Yard

On the rear yard of a lot adjoining a dwelling district there shall be a rear yard of not less than ten (10) feet. There shall be a side yard setback from

an intersecting street of not less than twenty-five (25) feet. In all other cases requirement will be the same as side yards.

(d) Height Regulations

No building shall exceed fifty (50) feet in height.

(e) Masonry Requirements

All buildings shall have all exterior walls constructed using a masonry material covering at least eighty percent (80%) of said walls, exclusive of all windows, doors, roofs, glass construction materials, or sidewalk and walk-way covers.

(f) Special Parking and Circulation Requirements

All parking areas and drives shall be designed so that adequate space is provided on the premises for the turning around of motor vehicles, preventing the need for vehicles to back onto the street or highway.

XIII.

That Chapter 11, Section 2C.(9)(e), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(9) I - General Industrial District

(e) Reserved for future use.

XIV.

That Chapter 11, Section 2C.(11), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

C. ESTABLISHMENT OF ZONING DISTRICTS

(11) Specific Use Permits

(a) General Description

A specific use permit for any of the following uses in any use district may be granted and may contain such requirements, conditions and safeguards as are needed to protect adjacent property, and in any case a site plan may be required by the planning and zoning commission or the city council which may be made a part of the regulations granting such specific use permit:

College, University or Private Boarding School
Library, Museum, or Art Gallery
Golf Course, Driving Range or Putting Course
Radio, Microwave Relay Tower, or Television Tower
Private above ground Water Storage Tank
Gas or Petroleum Drilling or Storage
Rock Quarries; sand, gravel or earth excavation for off-site use
Airports or Landing Fields for public or private use.

A specific use permit will not become effective until the site is approved by the Civil Aeronautics Administration. When located in the R-1, R-2, R-3 or A-Residence Districts, the site shall contain not less than twenty (20) acres.

Hospitals intended for the care of insane, liquor or narcotics patients. When located in the R-1, R-2, R-3 or A-Residence Districts, the site shall contain not less than twenty (20) acres.

Mobile home park and individual mobile home sites in R-1, R-2 and R-3 Residential Districts.

Dry Board Storage

Dog Kennels and Veterinary Hospitals

Greenhouses and Nurseries

Private Club, Community or Civic Club

Day Nursery or Child Care Center

Kindergarten

Home Beauty Shop

Institutions of a religious, education, recreation or philanthropic nature which are not listed in other subsections of this section.

Sororities, Fraternities and Lodges

Medical Facility

An off-street parking lot

Bait Sales

Electric Transmission Station

Roller Skating Rink

Temporary structures for religious or public gatherings

Carnivals or Amusement Parks

Zoo

Temporary Produce Stand

Motor Raceways
Feed Lot
Athletic Fields or Stadiums
Christmas Tree Sales
Fireworks Sales
Sewage Collection and/or Treatment Utility installation, public or private,
not listed in other subsections of this section.
Animal Pound
Home Tropical Fish Sales
Store Selling Beer
Bed and Breakfast
Boarding House
Public Stable
Private Stable
Rooming House
Tourist House
Industrialized housing
Industrialized building

(b) Restricted Uses

A specific use permit may be granted for the following uses in the I-Industrial District only:

Cement, lime or gypsum manufacture.
Natural gas, production and distribution.
Petroleum production and refining.
Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.
Disposal plants of all types including trash and garbage, sewage treatment, including lagoons and compost plants.
Salvage yards for automobiles, building materials, scrap metal, junk, or for any other kind of salvage; provided, however, that all salvage operations shall be so screened by ornamental walls, fences, or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the salvage operation is located.

(c) Site Plan

Whenever the city council or the city planning and zoning commission shall require a site plan for a specific use permit, such site plan shall show existing improvements on the land and proposed development of the property and shall give the following information.

Date, scale, north point, title, name or owner, and name of person preparing plan;

Location of existing boundary lines and dimensions of the tract;

Centerline of existing watercourses, drainage features, and location and size of existing and proposed streets and alleys;

Location and size to the nearest one-half (1/2) foot of all proposed buildings and land improvements;

Clear designation of areas reserved for off-street parking and for off-street loading; the location and size of points of ingress and egress; and the ratio of parking space to floor space.

XV.

That Chapter 11, Section 2D.(1)(c), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(1) Application of Regulation to the Uses of a More Restricted District

(c) Residential Uses within Commercial Zone

Residential uses shall not be permitted on the grade level of any building or structure within a Commercial Zone. Residential Use shall be permitted only on or above the second level of any building or structure within a Commercial Zone if said Residential Use fully complies with the most current version of the International Building Code or other Building Code as adopted by the City of Elgin.

XVI.

That Chapter 11, Section 2D.(1), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsection (d) which shall read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(1) Application of Regulation to the Uses of a More Restricted District

(d) All Single and Two Family Districts

All single and two (2) family dwellings shall have a minimum of a two (2) car garage accessible to a public city approved and accepted street or alley. All single or two (2) family dwellings having garages shall not be enclosed without first building an approved replacement two (2) car garage, meeting all City Ordinances effective July 31, 2011.

The minimum single family dwelling size shall be nineteen (1750) hundred square feet of living area.

The minimum two-family dwelling size shall be twelve (1200) hundred square feet for each living unit.

When a pitched/slope roof is proposed for new residential construction the minimum pitch/slope shall be 7:12.

XVII.

That Chapter 11, Section 2D.(2)(c) and (h), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(2) Open Space

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in subsection C of this section:

- (c) A fence, hedge or enclosure wall provided: (1) No solid fence or enclosure shall exceed a height of six (6) feet and no such six (6) foot fence or enclosure shall extend closer to any front street than forty (40) feet; (2) an ornamental fence may exceed (6) feet in height but shall have a ratio of solid portion to open portion not in excess of one (1) to four (4) and shall not extend closer to any front street than forty (40) feet; (3) Any fence or enclosure extending closer than forty (40) feet to the front line street shall not exceed a height of four (4) feet; and (4) Any fence, hedge, or enclosure wall on a corner lot, and situated within fifteen (15) feet of the intersections of the two (2) street lines, shall not exceed a height of three

(3) feet. All wooden privacy fences shall have metal post of sufficient gage and diameter, embedded in concrete to support the weight and wind load of the fence. Wooden privacy fence posts will not be allowed for construction after July 31, 2011.

(h) Private Garage Setback

An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the front property line.

XVIII.

That Chapter 11, Section 2D.(2), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsection (k) which shall read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(2) Open Space

(k) Commercial and Industrial Uses In, Or Adjacent To Residential Districts

In all cases when a side or rear yard is adjacent to a residential property a wall of not less than (6) six foot shall be constructed of brick, stone, masonry or other cementitious material along that property line.

XIX.

That Chapter 11, Section 2D.(4), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(4) Storage and Parking of Trailers, Recreational, Commercial Vehicles, and Motor Homes

Commercial vehicles and trailers of all types, including travel, recreational vehicles, watercraft, camping and hauling shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

(a) Commercial Vehicle Restrictions

Not more than one (1) commercial vehicle, which does not exceed two (2) tons rated capacity, per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or other liquefied petroleum products be permitted.

(b) Camping, Recreational Vehicle, Motor Home Travel Trailer and Other Trailer Restrictions

Not more than one (1) camping, recreational vehicle, motor home or travel trailer or hauling trailer per family living on the premises shall be permitted, and said trailer shall not exceed forty (40) feet in length, or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than forty-eight (48) hours unless it is located behind the front yard building line. A camping, recreational vehicle, motor home or travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a trailer court authorized under the ordinances of the city. When a recreational vehicle or trailer is parked in a driveway temporarily, at no time shall it encroach or block any public sidewalk.

XX.

That Chapter 11, Section 2D.(5), (e) and (f), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

D. GENERAL PROVISIONS APPLYING TO ALL OR TO SEVERAL DISTRICTS

(5) Off -Street Automobile and Vehicle Parking and Loading

(e) Size of Off-Street Parking Space

The size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9)feet by twenty (20) feet, plus adequate area for ingress and egress.

(f) Amount of Off-Street Parking and Loading Required

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

Dwelling, Single-Family or Two-Family-Two (2) parking spaces for each separate dwelling unit within the structure and a two car garage either attached or detached for each unit within the structure.

Dwelling, Multiple-Family: Two (2) parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four (4) feet of any building, nor closer than two (2) feet to the side yard lines. No parking space shall be used for storage of any trucks, truck-trailer, or van, except panel and pickup trucks not exceeding one (1) ton capacity and boat and travel trailers may be parked in a required parking space when the operator or owner of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one (1) car to facilitate the movement of the other. All parking areas shall be paved according to the city's standard specifications. Travel trailers, recreational vehicles and other trailers as defined in this section shall not exceed eight (8) feet in width or forty (40) feet in length. At no time shall any such vehicle, recreational vehicle, motor home or trailer be parked so as to block a sidewalk.

Boarding or Rooming House or Tourist Home or Bed and Breakfast or Hotel: one (1) parking space for each two (2) guests provided overnight accommodations.

Hospitals: One (1) space for each four (4) patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

Medical or Dental Clinics or Offices: Six (6) spaces per doctor plus one (1) space for each two (2) employees.

Sanatoriums, Convalescent or Nursing Homes: One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.

Community Center, Theater, Auditorium, Church Sanctuary: one (1) parking space for each four (4) seats, based on maximum seating capacity.

Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreations: one (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

Office Building: One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service.

Restaurants, Cafés, Dinners, Clubs, Bars, and other establishments which provide tables and or bar seating: One (1) parking space for each four (4) seats and one (1) space for each two (2) employees.

Commercial Establishments Not Otherwise Classified: One (1) parking space for each one hundred-fifty (150) square feet of floor space used for retail trade in the building and including all areas used by the public.

Industrial Establishments: Adequate area to park all employees and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.

For all uses not covered by the previously listed uses, the planning and zoning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

XXI.

That Chapter 11, Section 2G.(1), Code of Ordinances (1995 Edition), City of Elgin,

Texas, is hereby amended to read as follows:

G. SPECIAL PARKING AND AREA REGULATIONS AND EXCEPTIONS

(1) Vision Clearance

On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view and when topography prevents a clear view, this obstruction shall be removed.

XXII.

That Chapter 11, Section 2G., Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended by adding new subsection (5) which shall read as follows:

G. SPECIAL PARKING AND AREA REGULATIONS AND EXCEPTIONS

(5) Special Exception Approval

The Planning and Zoning Commission (P&Z) may grant a special exception from the requirements of certain provisions of the Code if the special exceptions are not contrary to public interest and the spirit of the Code is preserved and substantial fairness is accomplished. The only special exceptions that may be granted are:

1. front and back setback requirements,
2. building size requirements
3. building height requirements
4. vehicle parking requirements
5. screening and buffering requirements
6. building construction materials
7. roof pitch

In granting the special exception, the P&Z may impose conditions for which the applicant or his successors shall be in compliance before a Certificate of Occupation may be issued by the Building Official. Any special exceptions shall be included on a preliminary and final plat, site plan or, if necessary, through a separate recordable document approved by the P&Z.

In no event can a special exception exceed ten (10) percent over or under the Code requirements for which a special exception is granted.

Any lot of record existing prior to December 31, 1990, may be allowed to have a minimum living area of one thousand two hundred square foot (1200 sq. ft.) living area with a two car garage attached or detached and meet all of the property set back requirements.

Any single or two (2) family dwelling built after March 28, 1973, having garages shall not be enclosed or converted into living area, removing garage doors or changing the intended purpose of general storage and parking and storage of vehicles a without first building an approved replacement two (2) car garage accessible to a public city approved and accepted street or alley, or provide off street parking on City approved impervious driveways for at least four (4) vehicles and meeting all City Ordinances effective July 31, 2011.

Any lot of record existing prior to December 31, 1990, may be allowed to have a pitched or sloped roof of less than the required 7:12.

Any lot of record existing prior to December 31, 1990, is exempt from the masonry requirements.

XXIII.

That Chapter 11, Section 2H., Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

H. CHANGES TO AMENDMENTS

(1) City Council May Amend Regulations

The city council may, from time to time, on its own motion or on a proper application or petition amend, supplement, change, modify, or repeal the regulations, restrictions, and boundaries herein established.

- (a) Any person, firm or corporation petitioning the city council for a change in the regulations or the zoning district map, shall do so upon forms provided for such purposes by the office of the city secretary. All petitions or applications for changes in the regulations or zoning district map shall be filed with the office of the planning director.
- (b) Each such application shall be accompanied by:
 - (i) Plats (one (1) reproducible and three (3) copies) and the plans necessary to show the detail of the proposed change requested as well as the relation of said property to that of all property lying within two hundred feet (200') thereof, and
 - (ii) The street address and suitable legal description of the property proposed to be changed.
- (c) Each application shall be accompanied, at the time of filing, by a fee of three hundred and fifty (\$350.00) dollars plus postage.

XXIV.

That Chapter 11, Section 2I.(1) and (7), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

I. BOARD OF ADJUSTMENT

(1) Membership, Appointments, General Powers, Etc.

There is hereby created a board of adjustment consisting of seven (7) members, each to be appointed by a majority of the city council for a term of two (2) years and removable for cause by the city council. Vacancies shall be filled by the appointment by the city council of a suitable person to serve out the unexpired term of any member whose place on the board has become vacant for any cause. The Board of Adjustment shall name one (1) member as chair person and one (1) member vice chairperson.

The board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards to make such exceptions to the terms of this section in harmony with its general purpose and intent and in accordance with general or special rules therein continued for the purpose of rendering full justice and equity to the general public. The board may adopt rules to govern its proceedings; provided, however, that such rules are not inconsistent with this section. Meetings of the board shall be held at the call of the chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(7) Filing Fee

Any appeal to the board of adjustment from an adverse ruling by the administrative official shall be accompanied by three hundred and fifty (\$350.00) dollars plus the cost of postage in cash to be paid by the person making the appeal to cover the cost of such appeal.

XXV.

That Chapter 11, Section 2L.(4), Code of Ordinances (1995 Edition), City of Elgin, Texas, is hereby amended to read as follows:

L. CHANGES AND AMENDMENTS

(4) Zoning Filing Fee

Any request for a proposed amendment, supplement, or change to this section submitted to the city council shall be accompanied by three hundred fifty (\$350.00) dollars in cash to be paid by the applicant as cost in connection therewith.

XXVI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on this the ____ day of the month of _____,
2011.

CITY OF ELGIN, TEXAS

Marc Holm, Mayor

ATTEST:

Shirley Garvel
City Secretary